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January 27, 2004

**SUMMARY OF
EX PARTE PRESENTATION**

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, Room TWA325
Washington, DC 20554

Re: Ex Parte Presentation CC Docket No. 02-361

Dear Ms. Dortch:

On January 26, 2004, Walter B. McCormick, Jr., and the undersigned, United States Telecom Association (USTA), [Brian H. Strom, SureWest Communications](#), Trent Boaldin, Epic Touch Company, [Gene R. South, Sr., Lakedale Communications](#), [Albert H. Kramer, D&E Communications](#), [Timothy A.G. Dupic, Toledo Telephone Company](#), [James Barr, III, TDS Telecom](#), [Michael R. Coltrane, CT Communications](#), [Paula E. Eller, Yukon Telephone Company Inc.](#), [Robert A. Hunt, Guadalupe Valley Telephone](#), [Alan Wells, Iowa Telecom](#), [Bill Otis, New Ulm Telecom, Inc.](#), and [Levoy Knowles, Ben Lomand Rural Telephone Coop.](#), met with Commissioner Jonathan S. Adelstein and Lisa Zaina. The purpose of the meeting was to discuss AT&T Corporation's (AT&T) Petition for Declaratory Ruling that AT&T's Phone-to-Phone IP Telephony Services are Exempt from Access Charges (Petition).¹

Consistent with its prior filings in this proceeding, USTA articulated that the voice service described in AT&T's Petition is telecommunications service subject to the payment of access charges under the Federal Communications Commission's (FCC) rules. Access charges must be paid when a call both originates and terminates on a local exchange carriers' circuit switched network. Hence, USTA expressed the need for the FCC to act quickly to remove the uncertainty within the industry and affirmatively state that the services that AT&T provides in its Petition are telecommunications services and access charges apply.

¹ *In the Matter of AT&T Petition for Declaratory Ruling that AT&T's Phone-to-Phone IP Telephony Services are Exempt from Access Charges*, WC Docket 02-361, Petition of AT&T (filed Oct. 18, 2002) (Petition).

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In accordance with section 1.1206(b)(2) of the FCC rules, this letter is being filed electronically with your office. Please feel free to contact me at (202) 326-7271 should you have any questions.

Sincerely,



Michael T. McMenamin
Associate Counsel

cc: Lisa Zaina